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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,461	03/07/2001	Lydia Breck	40655.0700	3738

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EXAMINER

WINTER, JOHN M

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/800,461

Applicant(s)

BRECK ET AL.

Examiner

John M Winter

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18, 19, 22-25, 31-33, 36, 38-45, 51, 55 and 56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18, 19, 22, 31-33, 36, 38-45, 51, 55 and 56 is/are allowed.
- 6) ☒ Claim(s) 23 is/are rejected.
- 7) ☒ Claim(s) 24-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claims 18-19,22-25,31-33,36,38-45,51,55 and 56 remain pending.

Response to Arguments

The Applicants arguments filed on December 17, 2004 have been fully considered.

As per claim 23,

The indicated allowability of claim 23 is withdrawn in view of the newly discovered reference to Wong et al. (US Patent 5,956,699).. Rejections based on the newly cited reference follows. The Examiner apologized for the delay in the discovery of this new art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (US Patent 6,163,771) in view of Franklin et al (US Patent 5,883,810) and further in view of Wong et al. (US Patent 5,956,699).

As per claim 23,

Walker ('771) discloses a transaction, comprising the steps of:

identifying at least one primary account;(Column 6, lines 54-59)

generating a secondary transaction number that is configured to facilitate a transaction;(Column 6, lines 29-38)

associating the secondary transaction number with said at least one primary account;(Column 6, lines 46-49)

issuing the secondary transaction number to a first party to facilitate a transaction with a second party,(Column 6, lines 30-38)

Walker ('771) does not explicitly disclose the secondary transaction number is configured to be immediately usable for facilitating the transaction. Franklin et al. ('810) discloses the secondary transaction number is configured to be immediately usable for facilitating the transaction.(Figure 3) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Walker et al. method with the Franklin et al. method in order to promote secure online commerce.

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Walker ('771) does not explicitly disclose Receiving transaction settlement information from a second party, wherein the transaction was facilitated using a secondary transaction number; identifying the transaction settlement information as a transaction involving a secondary transaction number and verifying that the secondary transaction number is a valid number, capturing the transaction settlement information in a financial capture system, and causing the second party to be paid. Wong et al. ('699) discloses receiving transaction settlement information from a second party, wherein the transaction was facilitated using a secondary transaction number; (Column 6, lines 27-41) identifying the transaction settlement information as a transaction involving a secondary transaction number and verifying that the secondary transaction number is a valid number, (Column 6, lines 27-41, figure 1) capturing the transaction settlement information in a financial capture system, and causing the second party to be paid. (Column 6, lines 38-41) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Walker et al. method with the Wong et al. method in order to promote secure online commerce.

Allowable Subject Matter

Claims 18-19, 22, 31-33, 36, 38-45, 51, 55 and 56 are allowable.

Claims 24-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Winter whose telephone number is (703) 305-3971. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (703) 305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

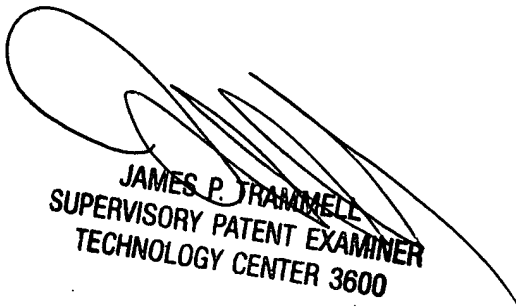
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JMW

February 21, 2005



JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600